

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6009-CIV-DIMITROULEAS
MAGISTRATE JUDGE SORRENTINO

ROSS JAY LAWSON,

Plaintiff,

v.

KEN JENNE, WILLIAM
HITCHCOCK, BROWARD
COUNTY DEPARTMENT OF
CORRECTIONS AND REHAB.,

Defendants.

DEFENDANTS RESPONSE TO PLAINTIFF'S BILL OF COSTS

Defendants, KEN JENNE and WILLIAM HITCHCOCK, (hereinafter "Defendants"), by and through their undersigned attorneys, files this their Response to Plaintiff's Bill of Costs and states:

1. On June 17, 2002, the Eleventh Circuit Court of Appeals affirmed in part and reversed in part Case No. 01-14029-J which arose out of the instant case.
2. On June 26, 2002, Plaintiff filed a motion to tax costs claiming that he was the prevailing party.

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3. On July 9, 2002, the Clerk of the Eleventh Circuit Court of Appeals returned said motion to Plaintiff stating that costs were not taxable when an appeal is affirmed in part and reversed in part.

4. On August 22, 2002, Plaintiff filed his Bill of Costs with the instant court pursuant to Fed.R.Civ.P. 54(d) stating that the Clerk did not have knowledge of the instant case.

5. Plaintiff's Bill of Costs is not properly before this Court as the Eleventh Circuit Court of Appeals has already determined that Plaintiff is not entitled to recover said costs.¹ Moreover, this Court does not have jurisdiction to award costs associated with an appeal.

WHEREFORE, Defendants respectfully request this Court deny Plaintiff's Bill of Costs.

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via U.S. Mail this 30 day of August, 2002, to: **ROSS JAY LAWSON**, Pro Se Plaintiff, B726599/E1101, Baker Correctional Institute, P.O. Box 500, Sanderson, FL 32087-0500.

ADORNO & YOSS, P.A.
Attorneys for Defendants
888 Southeast Third Avenue, Suite 500

¹Pursuant to Fed.R.Civ.P. 54, Plaintiff is not a prevailing party entitled to recover costs and furthermore, has not received a judgment as defined therein.

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A handwritten signature in black ink, appearing to read "R. Schwartz", written over a horizontal line.

ROBERT H. SCHWARTZ

Fla. Bar No.: 301167

TAMATHA S. ALVAREZ

Fla. Bar No.: 0151467